

**RECEIVED
CENTRAL FAX CENTER**

SEP 21 2004

Attny. Dkt. No. 64688/153

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:
Dietrich Stephen et al.
Serial No. 09/940,454
Filed: 08/29/2001

GAU: 1631
Examiner: Andrew A. Kenedy

For: Gene Expression Based Method For Distinguishing Metastatic From Non-Metastatic Forms of a Tumor, and Use in Designing Therapeutic Drugs.

Hon. Commissioner for Patents
Box 1450
Arlington, VA 22313-1450
Mail Stop: Non-fee Amendment

By Facsimile: 703-872-9306

Sir:

Responsive to a Restriction Requirement mailed 08/06/2004, the period for response having been extended to 10/06/2004 by the accompanying request under 37 CFR 1.136(a), applicants elect for prosecution now Claims 18-25, provided that it is understood by the Office that Claims 18-25, being dependent on generic Claim 1, contain within them all of the limitations of said Claim 1 and provided that, if claims 18-25 or their successors are allowed, rejoinder will be permitted between Claims 1-17 and 18-25.

Respectfully submitted,

Signed: 09/21/2004

Melvin Blecher

Dr. Melvin Blecher
Attorney-at-Law
Registration No. 33,649

Law Offices of Dr. Melvin Blecher
4329 Van Ness St., NW
Washington, DC 20016-5625
Tel 202 363 3338
Fax 202 362 8404
e-mail: MBIplaw@comcast.net

09/22/2004 MAHMED1 00000038 09940454

01 FC:2251

55.00 OP